

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chairman Ron Stoker, on March 27, 2009 at 8:06  
A.M., in Room 137 Capitol

#### **ROLL CALL**

##### **Members Present:**

Rep. Ron Stoker, Chairman (R)  
Rep. Deborah Kottel, Vice Chairman (D)  
Rep. Ken Peterson, Vice Chairman (R)  
Rep. Arlene Becker (D)  
Rep. Gerald Bennett (R)  
Rep. Anders Blewett (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. David Howard (R)  
Rep. Krayton Kerns (R)  
Rep. Margaret MacDonald (D)  
Rep. Edith (Edie) McClafferty (D)  
Rep. Mike Menahan (D)  
Rep. Michael More (R)  
Rep. Keith Regier (R)  
Rep. Diane Sands (D)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Jennifer Eck, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HJ 31, 3/23/2009

Executive Action: SB 327, SB 46, SB 406, HB 661,  
SB 158

**HEARING ON HJ 31**

**Opening Statement by Sponsor:**

00:00:33 Rep. Tom McGillvray (R), HD 50, opened the hearing on  
HJ 31, Study marriage laws.

00:20:37 Chairman Stoker

**Proponents' Testimony:**

00:20:48 Moe Wosepka, Executive Director, Montana Catholic  
Conference

00:26:59 Steve Yeakel

00:30:16 Rep. Gerald Bennett, HD 1, Libby

**Opponents' Testimony:** None

**Informational Testimony:**

00:33:29 Mary Phippen, Montana Association of Clerks of District  
Court

**Questions from Committee Members and Responses:**

00:34:13 Rep. Regier  
00:34:23 Rep. McGillvray  
00:34:24 Rep. Regier  
00:34:46 Rep. McGillvray  
00:35:11 Rep. Ebinger  
00:35:22 Mr. Wosepka  
00:35:24 Rep. Ebinger  
00:36:34 Mr. Wosepka  
00:37:44 Rep. Ebinger  
00:37:50 Mr. Wosepka  
00:38:13 Rep. Ebinger  
00:38:27 Mr. Wosepka  
00:39:27 Rep. Ebinger  
00:39:32 Rep. MacDonald  
00:39:37 Rep. McGillvray  
00:39:38 Rep. MacDonald  
00:41:55 Rep. McGillvray  
00:43:05 Chairman Stoker  
00:43:20 Rep. Howard  
00:43:26 Rep. McGillvray  
00:43:29 Rep. Howard  
00:43:49 Rep. McGillvray  
00:44:24 Rep. Howard  
00:44:34 Chairman Stoker

00:44:36 Rep. Sands  
00:44:44 Rep. McGillvray  
00:44:45 Rep. Sands  
00:45:14 Rep. McGillvray  
00:45:51 Chairman Stoker  
00:45:54 Rep. McGillvray  
00:46:04 Rep. Warburton  
00:46:14 Mr. Wosepka  
00:46:16 Rep. Warburton  
00:47:07 Mr. Wosepka  
00:48:00 Rep. Stoker turned the gavel over to Rep. Peterson and  
exited the meeting.  
00:49:25 Rep. Warburton  
00:49:43 Mr. Wosepka  
00:50:26 Rep. Warburton  
00:50:33 Rep. Sands  
00:50:37 Rep. McGillvray  
00:50:39 Rep. Sands  
00:51:01 Rep. McGillvray  
00:51:39 Rep. Sands  
00:51:43 Rep. McGillvray  
00:52:06 Rep. Sands  
00:52:17 Rep. McGillvray  
00:52:23 Rep. Sands  
00:53:32 Rep. McGillvray  
00:55:38 Rep. Sands  
00:57:09 Rep. McGillvray  
00:57:14 Rep. Sands  
00:58:20 Rep. McGillvray  
00:58:43 Rep. Sands  
00:58:59 Rep. McGillvray  
00:59:01 Rep. Sands  
00:59:03 Rep. MacDonald  
00:59:14 Mr. Wosepka  
00:59:16 Rep. MacDonald  
01:00:19 Mr. Wosepka  
01:01:13 Rep. Ebinger  
01:01:36 Vice Chairman Peterson

**Closing by Sponsor:**

01:01:46 Rep. McGillvray  
01:06:55 Vice Chairman Peterson  
01:07:22 Recess  
01:23:15 Reconvene

**EXECUTIVE ACTION ON SB 158**

01:23:47 **Motion:** Rep. Kottel moved that **SB 158 BE CONCURRED IN.**

01:23:52 Vice Chairman Peterson

01:23:59 Mr. Niss

[EXHIBIT\(juh68a01\)](#)

[EXHIBIT\(juh68a02\)](#)

01:24:40 **Motion:** Rep. Peterson moved that **SB 158 BE AMENDED**  
(refer to Exhibit 1).

**Discussion:**

01:26:26 Rep. Regier

01:26:37 Vice Chairman Peterson

01:26:56 Rep. Regier

01:27:04 Vice Chairman Peterson

01:27:09 Rep. Regier

01:27:12 Vice Chairman Peterson

01:27:17 Rep. Regier

01:27:41 Vice Chairman Peterson

01:28:01 Beth McLaughlin, Court Services Director

01:28:39 Vice Chairman Peterson

01:28:44 Rep. Regier

01:28:49 Vice Chairman Peterson

01:29:08 Rep. Menahan

01:29:51 Vice Chairman Peterson

01:30:11 Rep. Sands called the question.

01:30:16 Vice Chairman Peterson

01:31:23 **Vote:** Motion carried 17-1 by voice vote with Rep. More  
voting no. Rep. Stoker voted by proxy.

01:31:55 **Motion:** Rep. Kottel moved that **SB 158 BE CONCURRED IN  
AS AMENDED.**

01:32:04 **Motion:** Rep. Menahan moved that **SB 158 BE AMENDED**  
(refer to Exhibit 2).

**Discussion:**

01:32:18 Rep. Warburton

01:32:35 Rep. Menahan

01:35:20 Rep. Becker

01:35:45 Rep. Menahan

01:36:02 Rep. Becker

01:36:12 Rep. Menahan

01:36:23 Rep. Kottel

01:36:36 Rep. Blewett  
 01:36:52 Rep. Regier  
 01:37:09 Rep. Menahan  
 01:37:34 Rep. Blewett  
 01:37:59 Rep. Menahan  
 01:38:22 Vice Chairman Peterson  
 01:38:54 Rep. Bennett called the question.  
 01:38:59 Rep. Sands  
  
 01:39:17 **Vote:** Motion failed 9-9 by roll call vote with Rep. Kottel, Rep. Sands, Rep. MacDonald, Rep. Ebinger, Rep. Becker, Rep. Driscoll, Rep. McClafferty, Rep. Blewett, and Rep. Menahan voting aye. Rep. Stoker voted by proxy.  
  
 01:40:12 Vice Chairman Peterson  
  
 01:40:15 **Motion:** Rep. Kottel moved that **SB 158 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:40:22 Vice Chairman Peterson  
 01:40:32 Rep. More  
 01:42:00 Vice Chairman Peterson  
 01:42:08 Rep. Kottel  
 01:43:10 Rep. Blewett  
 01:43:50 Vice Chairman Peterson  
 01:44:23 Rep. Wagner  
 01:45:32 Rep. Howard  
 01:46:26 Vice Chairman Peterson  
 01:46:42 Rep. Howard  
 01:46:54 Vice Chairman Peterson  
 01:46:57 Rep. MacDonald called the question.  
  
 01:46:59 **Vote:** Motion carried unanimously by voice vote. Rep. Stoker voted by proxy.  
  
 01:47:14 Vice Chairman Peterson

**EXECUTIVE ACTION ON SB 327**

01:47:51 **Motion:** Rep. Kottel moved that **SB 327 BE CONCURRED IN.**

**Discussion:**

01:48:18 Rep. Sands called the question.  
 01:48:24 Vice Chairman Peterson  
 01:49:00 Rep. More

01:49:20 Rep. Warburton  
01:50:22 Rep. MacDonald  
01:50:58 Rep. Menahan  
01:54:44 Rep. Regier  
01:54:59 Rep. Menahan  
01:55:33 Rep. Regier  
01:55:49 Rep. Menahan  
01:56:36 Vice Chairman Peterson  
01:56:45 Rep. Menahan  
01:56:52 Rep. Blewett  
01:58:05 Rep. Menahan  
01:58:13 Rep. More  
01:58:34 Rep. Menahan  
01:59:54 Rep. More  
02:00:07 Rep. Menahan  
02:00:20 Vice Chairman Peterson  
02:00:30 Rep. Warburton  
02:00:46 Rep. Menahan  
02:01:12 Rep. Howard  
02:02:27 Rep. Sands  
02:03:02 Rep. Wagner  
02:04:12 Rep. Menahan  
02:05:19 Rep. Kerns  
02:05:39 Vice Chairman Peterson  
02:05:44 Rep. Driscoll called the question.  
  
02:05:49 **Vote:** Motion failed 9-9 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye. Rep. Stoker voted by proxy.  
  
02:06:41 Vice Chairman Peterson

**EXECUTIVE ACTION ON HB 661**

02:06:53 **Motion:** Rep. Kottel moved that **HB 661 BE CONCURRED IN.**

**Discussion:**

02:07:00 Vice Chairman Peterson  
02:07:20 Rep. Sands  
02:08:08 Vice Chairman Peterson  
02:08:11 Rep. Ebinger  
02:09:11 Rep. McClafferty  
02:09:37 Rep. Warburton  
02:10:32 Rep. More  
02:11:43 Rep. Kottel called the question.

02:11:48 **Vote:** Motion failed 9-9 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye. Rep. Stoker voted by proxy.

02:12:44 Vice Chairman Peterson

**EXECUTIVE ACTION ON SB 46**

02:12:51 **Motion:** Rep. Kottel moved that **SB 46 BE CONCURRED IN.**

**Discussion:**

02:12:59 Vice Chairman Peterson  
02:13:05 Rep. More  
02:14:19 Rep. Regier  
02:15:28 Rep. MacDonald  
02:18:16 Rep. Wagner  
02:20:33 Rep. Warburton  
02:21:22 Rep. Howard  
02:21:52 Rep. Kottel  
02:22:36 Rep. Sands  
02:23:46 Rep. Menahan  
02:26:01 Rep. More  
02:27:54 Rep. McClafferty called the question.  
02:27:56 Vice Chairman Peterson

02:29:22 **Vote:** Motion failed 9-9 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye. Rep. Stoker voted by proxy.

02:30:13 Vice Chairman Peterson

**EXECUTIVE ACTION ON SB 406**

02:30:18 **Motion:** Rep. Kottel moved that **SB 406 DO PASS.**

**Discussion:**

02:30:23 Vice Chairman Peterson  
02:30:40 Rep. Driscoll called the question.  
02:30:45 Rep. Warburton  
02:33:09 Rep. Kottel called the question.  
02:33:15 Vice Chairman Peterson

02:33:50 **Vote:** Motion failed 9-9 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye. Rep. Stoker voted by proxy.

02:34:44 Vice Chairman Peterson

**ADJOURNMENT**

02:35:08 Adjournment

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Jennifer Eck, Secretary

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Additional Documents:

**EXHIBIT ([juh68aad.pdf](#))**